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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,040	03/30/2001	Kelly Ervin Sonderegger	56932.000005	5143
909 7590 06/27/2005 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER POND, ROBERT M	
			ART UNIT 3625	PAPER NUMBER

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/821,040

Applicant(s)

SONDEREGGER ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 21 March 2005 has been entered.

### ***Response to Amendment***

The Applicant amended independent claims 1, 6, 11 and newly added claims 16-19. All pending claims (1-19) were examined in this non-final office action.

### ***Response to Arguments***

#### **Rejection under 35 USC 102(e)**

Applicant's arguments filed 21 March 2005 have been fully considered but they are not persuasive.

As cited below, Brody discloses the use of cookies used to connect the anonymous transaction system with the merchant via the customer computer without requiring user interaction.

Nelson was withdrawn as being redundant. Brody discloses profile data.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-15 are rejected under 35 USC 102(e) as being anticipated by Brody et al. (Paper #5, patent application publication 2001/0029485, hereinafter referred to a “Brody”).**

Brody teaches all the limitations of Claims 1-15. For example, Brody discloses a method for enabling a user to transact an anonymous online purchase and payment (please see at least abstract; paragraph 0002 through paragraph 0010). Brody discloses a system for enabling a user to transact an anonymous online transaction featuring remote computers connected to an anonymous transaction server via the Internet communicating with online merchants (please see at least abstract; page 1, 0002 through page 2, 0010). Brody discloses an anonymous transaction server that generates customer profiles containing true customer profile data and anonymous customer profile data. Brody further discloses:

- Providing an anonymous user interface: pseudo-random name attribute (please note: manipulates customer name) may provide benefit that true name is not known to the merchant (see at least abstract; 0009, 0037);

consumer uses a graphical user interface, makes anonymous payment, and never exposes true identity to merchant (see at least 0048). Please note examiner's interpretation: consumer using a graphical user interface using anonymous data whereby the merchant does not know the true identity of the consumer is using an anonymous graphic user interface.

- Accessing a first profile comprising user data: first profile contains true user data (see at least page 2, 0011, 0012; page 6, 0041).
- Generating a second profile linked to the first profile: second profile contains anonymous data linked to first profile (see at least page 2, 0016).
- Single use transaction number associated with user credit card: (see at least page 5, 0039).
- Alias name: Pseudo-random attributes (e.g. customer name) (see at least page 1, 0009).
- Storing profile information: browser cookies, using cookies to store information on a user's computer, using cookies containing any arbitrary information, cookies containing information to authenticate or identify a registered user of a web site without requiring them to sign in again every time they access the site, user cookies used to facilitate communication between the merchant and the anonymous transaction server storing customer information in a cookie comprising name, address, account information (please note: address information provides demographic profiling information); using cookies for site personalization (please note

examiner's interpretation: user profile determines what information to present to the user) (see at least 0047).

- Communicating the anonymous data from second profile without user interaction: ATS uses customer's cookie to automatically obtain the merchant's URL; through cookie ATS and merchant site can communicate without consumer interaction (see at least 0047).
- Anonymous address: customer supplies anonymous card data (please note: anonymous card data includes customer's address as disclosed on page 6, 0041) upon merchant request for card number, shipping address, and name (see at least Fig. 3 (65); page 1, 0005; page 6, 0041; page 7, 0045).
- Accessing over secure communication path: (see at least page 6, 0041).
- Concurrently displaying: merchant's web page and interactive pop-up applet or payment panel to facilitate the generation or use of an anonymous card (please note examiner's interpretation: pop-up applet or payment panel provides options to the customer (see at least page 7, 0048-0049).

Pertaining to system claims 6-15

Rejection of claims 6-15 is based on the same rationale as noted above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2. Claims 17-19 are rejected under 35 USC 103(a) as being unpatentable over Brody (Paper #5, patent application publication 2001/0029485), in view of Official Notice (regarding old and well-known)**

Brody teaches a method for enabling a user to transact an anonymous online purchase and payment (please see at least abstract; paragraph 0002 through paragraph 0010). Brody teaches a system for enabling a user to transact an anonymous online transaction featuring remote computers connected to an anonymous transaction server via the Internet communicating with online merchants (please see at least abstract; page 1, 0002 through page 2, 0010). Brody teaches an anonymous transaction server that generates customer profiles containing true customer profile data and anonymous customer profile data. Brody further teaches:

- *Providing an anonymous user interface:* pseudo-random name attribute (please note: manipulates customer name) may provide benefit that true name is not known to the merchant (see at least abstract; 0009, 0037); consumer uses a graphical user interface, makes anonymous payment,

and never exposes true identity to merchant (see at least 0048). Please note examiner's interpretation: consumer using a graphical user interface using anonymous data whereby the merchant does not know the true identity of the consumer is using an anonymous graphic user interface.

- Accessing a first profile comprising user data: first profile contains true user data (see at least page 2, 0011, 0012; page 6, 0041).
- Generating a second profile linked to the first profile: second profile contains anonymous data linked to first profile (see at least page 2, 0016).
- Single use transaction number associated with user credit card: (see at least page 5, 0039).
- Alias name: Pseudo-random attributes (e.g. customer name) (see at least page 1, 0009).
- Storing profile information: browser cookies, using cookies to store information on a user's computer, using cookies containing any arbitrary information, cookies containing information to authenticate or identify a registered user of a web site without requiring them to sign in again every time they access the site, user cookies used to facilitate communication between the merchant and the anonymous transaction server storing customer information in a cookie comprising name, address, account information (please note: address information provides demographic profiling information); using cookies for site personalization (please note



examiner's interpretation: user profile determines what information to present to the user) (see at least 0047).

- Communicating the anonymous data from second profile without user interaction: ATS uses customer's cookie to automatically obtain the merchant's URL; through cookie ATS and merchant site can communicate without consumer interaction (see at least 0047).
- Anonymous address: customer supplies anonymous card data (please note: anonymous card data includes customer's address as disclosed on page 6, 0041) upon merchant request for card number, shipping address, and name (see at least Fig. 3 (65); page 1, 0005; page 6, 0041; page 7, 0045).
- Accessing over secure communication path: (see at least page 6, 0041).
- Concurrently displaying: merchant's web page and interactive pop-up applet or payment panel to facilitate the generation or use of an anonymous card (please note examiner's interpretation: pop-up applet or payment panel provides options to the customer (see at least page 7, 0048-0049).

Brody teaches all the above as noted under the 103(a) rejection and teaches pop-up panels serving as a transaction interface concurrently displayed with the graphical user interface, but does not disclose displaying the anonymous transaction interface whenever the browser is displayed. The Examiner takes the position that it is old and well-known in the arts to display panels such as toolbars

concurrently and persistently in web browsers or other types of graphical user interfaces to provide application selection convenience for the user. Therefore, it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Brody to implement toolbars for application selection as taught by Official Notice, in order to provide a user convenience.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert M. Pond  
Primary Examiner  
June 22, 2005